

Notice of Allowability

Application No.

10/522,408

Examiner

Vit W. Miska

Applicant(s)

BAROCHE, JEAN-MICHEL

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

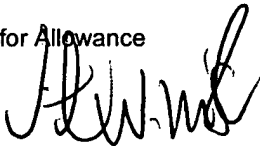
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20080105.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with F. Bonsang on 1/4/2008.

The claims have been rewritten as follows:

1. Container-watch of the type having an assembly consisting of two parts (2, 3) articulated one to each other, one of the two parts (2) having means to ensure the function of a watch in an autonomous fashion, a removable and interchangeable added module (M), the second part (3), on which a bracelet (6) is attached, having means permitting the installation of the added module (M), having the characteristic that one of the edges of the added module (M) is extended with an elastic flap (20) associated with guiding means designed in such a manner that when in the assembled state and placed in the second part (3), the elastic flap (20) butts against the first part (2) by exerting on it a constant pressure which tends to maintain it in an open position.
2. Container-watch as in claim 1, characterized in that module (M) and subject second part (3) have the guiding means in order that the engagement of added module (M) in the second part (3) can only have one position for added module (M) in which flap (20) is located near the extremity of the intended articulation between the subject two parts (2, 3).
3. Container-watch as in claims 1 or 2, characterized in that the two watch parts (2, 3) are equipped with locking means triggered by the two parts in the close position.

4. Container-watch as in 1, characterized in that added module (M) presents the shape of a cylindrical recipient opened at its top level and showing two opposed edges (R1, R2) which extend one to each other at subject level in order to provide supports for adequate handling of added module (M) without having users' fingers touching the module's content.
5. Container-watch as in claim 4, characterized in that the module has one protuberance (L) which extends in a radial manner towards the outside, starting from a top edge of a cylindrical wall of the module, whereas the top part of a cylindrical wall of the second part consists of a slanted notch (FO) located under protuberance (L) when module (M) is engaged in the second part (3).
6. Container-watch as in claim 5, characterized in that protuberance (L) and notch (FO) are located under a winder of the watch (2) when closed.
7. Container-watch as in claim 1, characterized in that the bottom of the watch (2) includes an elastic peg (PE) in order to affix to it a removable make-up brush (PM).
8. Container-watch as in claim 1, characterized in that the module constitutes a powder box and that it includes a brush (PM) that is removable and is installed on the edges (R1, R2) of the module.

9. Container-watch as in claim 1 , characterized in that it includes locking means of the two parts in the closed position, these locking means being designed in such a manner that when in the locking state, one of the two parts exerts on the other a tightness pressure for a lining (30, 31) installed on a circular holding surface around the space used to accommodate the added module.

10. Container-watch as in claim 9, characterized in that the tightness lining (30, 31) is interdependent with a peripheral border of added module.

11. Container-watch as in claim 10, characterized in that the subject lining (30, 31) presents a sinuous shape or consists of a round joint linked to the subject peripheral border via a membrane.

12. Container-watch as in claim 9, characterized in that the subject locking means include a flap (L1) rocking around an interdependent axis to one of the parts , this flap (L1) consisting of one part shaped as a hook intended to interface with hooking means (40) on the other part and, on the other side, one part serving as a lever.

13. Container-watch as in claim 12, characterized in that the subject flap (L1) comprises elastic means.

14. Container-watch as in claim 9, characterized in that the subject locking means consist of a lever (L2, L3) articulated on one of the parts consisting of a base and including a hook shaped part intended to come into contact with a shaft or a rod (41) interdependent to the other part which constitutes the watch, this part having the shape of a hook with a cam profile conformed in such a way that during its engagement on shaft (41) or rod, the rocking of the lever (L2, L3) in the locking direction provokes the application of a force which ensures pressure tightness.

15. Container-watch as in claim 1, characterized in that it includes an extractor consisting of a pushbutton (P) mounted in an opening (O) found in a peripheral wall (E) of the second part, this pushbutton being interdependent with a slanted-shaped brooch (B) that moves in slot (G) designed at the bottom (F) of the second part.

16. Container-watch as in claim 15, characterized in that it includes a spring (R) required bringing back the pushbutton to its resting position, a position in which the brooch is seated in the slot.

17. Container-watch as in anyone of claim 1, characterized in that the added module comprises a container (CO) which consists of a dome-shaped bottom (FB) used as an extractor, this dome-shaped bottom representing a first stable state in which its concavity opens towards the outside and a second stable state in which it presents a projecting convex shape towards the outside.

18. Container-watch as in claim 1, characterized in that the added module comprises a container which is separated in three parts (P1 to P3) by two parallel partitions (CL1, CL2) which extend from one another and at small distance from a median symmetrical plane of the container, these two partitions delimiting between themselves an oblong volume which is used to store an accessory such as a brush (PM).

19. Container-watch as in claim 18, characterized in that elastic means are incorporated in space accommodating the added module in order to provoke a partial retrieval of subject accessory during the opening of the watch.

Rejoinder

Claims 1-11 and 19 are allowable. Claims 12-18 previously withdrawn from consideration as a result of a restriction requirement, include all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement among species 1-6, as set forth in the Office action mailed on 9/25/2007 is hereby withdrawn** and claims 12-18 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

The following is an examiner's statement of reasons for allowance:

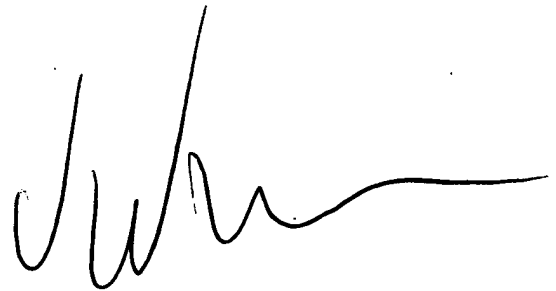
Claims 1-19 are allowed because the prior art does not disclose or suggest a container having two parts, one for the function of a watch, the other having a bracelet attached thereto and means for a removable added module, the module having an elastic flap extended from one of the edges thereof and associated with guiding means, the elastic flap butting against the first part to maintain the same in an open position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Bradley can be reached on 571-272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Vit W. Miska', with a long horizontal flourish extending to the right.

Vit W. Miska
Primary Examiner
Art Unit 2833